

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

JIMMY FLOYD McHENRY,

Petitioner,

v.

DIRECTOR, Texas Department of Criminal
Justice, Correctional Institutions Division,

Respondent.

2:23-CV-36-Z-BR

ORDER

Before the Court are the findings, conclusions, and recommendation of the United States Magistrate Judge (“FCR”) (ECF No. 30) to deny the Petition for a Writ of Habeas Corpus filed by the petitioner in this case. No objections to the FCR have been filed. After making an independent review of the pleadings, files, and records in this case, the District Judge concludes that the FCR is correct. It is therefore **ORDERED** that the FCR is **ADOPTED**, so Respondent’s Motion to Dismiss (ECF No. 28) is **GRANTED**.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. Section 2253(c), the Court denies a certificate of appealability because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also Hernandez v. Thaler*, 630 F.3d 420, 424 (5th Cir. 2011).

Hence the Court **ADOPTS** and incorporates by reference the FCR filed in this case in support of its finding that Petitioner has failed to show either (1) that reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable

jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.”

Slack, 529 U.S. at 484.

SO ORDERED.

May 24, 2024.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE